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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,893	07/08/2003	Darin M. Janoschka	8E07.1-040	9851

23506 7590 01/26/2005

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EXAMINER

WIMER, MICHAEL C

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,893	Applicant(s) JANOSCHKA ET AL.	
	Examiner Michael C. Wimer	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/2004</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,5,6,13,15 and 22-24 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Applicant has provided evidence of sale of the invention more than one year before filing of the application in the Declaration of Prior Art filed 3/29/2004.

Regarding Claims 1-3,5,6,13,15 and 22-24, the attached figure to the Declaration shows an antenna tower module for mounting to an antenna mast and for supporting antennas, comprising:

A bottom plate for mounting to the mast or another module, via the bolt holes in the bottom plate, a top plate spaced apart from the bottom plate; and a multi-vaned beam extending between the bottom and top plates, the beam including a central post and a plurality of stiffening vanes extending generally radially outwardly from the central post. The vanes (of which two are shown in the Declaration drawing) are shown secured to the post via a triangular bracket with bolts for securing panel antennas. Each plate has supporting vanes attached to the surface of the respective plate via a short leg and to the post with a longer leg (the vanes being L-shaped) via the triangular bracket.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's figure attached to the Declaration of Prior Art in view of Alford (3681770).

Regarding Claim 4, Alford shows in Figures 1-3 evidence of obviousness in providing differing geometry for the central post. It would have been obvious to employ a rectangular support post.

5. Claims 7-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's figure in the Declaration of Prior Art.

Regarding Claims 7-11 and 14, the limitations of unevenly spaced vanes, discontinuous vanes, welding of the vanes to the central post at two or more locations, providing four vanes for mounting antennas therebetween and providing a rectangular plates, are all structural engineering parameters, obvious to the skilled artisan to provide in a particular system design for providing the desired support and mounting.

6. Claim 12,16,17,19-21,26-28,32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's figure in the Declaration of Prior Art in view of Runyon (5966102).

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Regarding Claims 12,16,17,19-21,26-28,32 and 33, Figure 5 of Runyon shows evidence of obvious for providing radomes covering the antenna arrays for environmental protection and mounting the antennas 120 degrees apart for providing 360 degree coverage. Thus, the skilled artisan would have found it obvious to provide three panel arrays (Fig. 5) in the Declaration figure.

Further regarding Claims 19,20 and 26-28, the number of gussets/webs with perforations is obvious and dependent upon the structural integrity desired.

7. Claims 18,25,29-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's figure in the Declaration of Prior Art in view of Gietema et al. (6222503) (and in view of Runyon with respect to Claims 18 and 34).

Regarding Claims 18,25,29-31 and 34, Gietema et al. show in Fig. 8B, the use of transversely extending flanges 42 at the ends of radially extending stiffening gussets (extending from the central mast/beam 41). These flanges are located at the periphery and provide stiffening and are T-shaped as recited. It would have been obvious to the skilled artisan to employ the flanges in the primary reference device.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wimer whose telephone number is (571) 272-1833. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun O. Harvey can be reached on (571) 272-1835. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael C. Wimer
Primary Examiner
Art Unit 2828

MCW
1/19/2005